

REMARKS

In the present Amendment, claims 1 and 5-7 have been canceled.

Claims 2-4 have been amended to change their dependency.

Claims 8 and 9 have been amended to improve their form. These amendments are not to be deemed to narrow the scope of the claims.

Claims 10-12 have been added. Claims 10-12 correspond to claims 2-4 and depend from claim 9.

No new matter has been added and entry of the Amendment is respectfully requested.

Upon entry of the Amendment, claims 2-4 and 8-12 will be all the claims pending in the application.

I. Masterton (U.S. Pat. No. 5,738,269)

Masterton (U.S. Pat. No. 5,738,269) is relied upon by the Examiner in the rejections of this Office Action (below discussion below). However, Masterton has not been cited in any Form PTO/SB/08 A & B or Form PTO-892. The Examiner is respectfully requested to list this reference in a Form PTO-892 and make it of record.

II. Response to Rejections Under 35 U.S.C. § 103

a. In Paragraph No. 1 of the Office Action, claims 1-4 and 7 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Japan Publication No. 2002-334895 to Sakuyama Seiki ("JP '895") in view of Masterton (U.S. Pat. No. 5,738,269).

Applicants respectfully submit that the present claims are patentable over JP '895 in view of Masterton. Specifically, Applicants have in the Amendment, amended claims 2-4 to depend from claim 8, which is not included in the rejection. Claims 1 and 7 have been canceled. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection.

b. In Paragraph No. 2 of the Office Action, claims 5-6 and 8-9 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over JP '895 in view of Masterton and further in view of Ikeda et al (U.S. Pat. No. 6,923,875).

Applicants file herewith a Declaration under 37 C.F.R. § 1.132, which states that Ikeda et al and the present invention were commonly owned by Harima Chemicals, Inc., at the time of the present invention was made. Therefore, Ikeda et al is not prior art under 35 U.S.C. § 102(e) in this § 103 rejection against the present claims. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. §1.114(c)
U.S. Application No.: 10/765,931

Attorney Docket Q79041

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: June 5, 2006